

PATENT APPLICATION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2629**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yoshiro YAMAGUCHI et al.

Group Art Unit: 2629

Application No.: 09/940,801

Examiner: D. DINH

Filed: August 29, 2001

Docket No.: 110491

For: IMAGE DISPLAY MEDIUM, IMAGE DISPLAY DEVICE, AND IMAGE DISPLAY
METHOD

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the January 26, 2009 Office Action, and in consideration of the April 14, 2009 personal interview with the Examiner, Applicants respectfully request reconsideration of the application. Claims 1-10 and 12-29 are pending in this application.

The courtesies extended to Applicants' representative by Examiner Dinh during the interview held April 14, 2009, are appreciated. The reasons presented during the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicants' record of the interview.

The Office Action rejects claims 1-8, 10, 12, 13, 19, 21 and 24-39 under 35 U.S.C. §103(a) over U.S. Patent No. 6,271,823 to Gordon, II et al. (hereinafter "Gordon, II '823") in view of U.S. Patent No. 6,184,856 to Gordon, II et al. (hereinafter "Gordon, II '856") and

further in view of U.S. Patent No. 6,392,732 to Oh-e et al. (hereinafter "Oh-e"); rejects claims 20-22 and 23 under 35 U.S.C. §103(a) over Gordon, II '823 in view of Gordon, II '856 and further in view of Oh-e and U.S. Patent No. 6,113,810 to Hou et al. (hereinafter "Hou"); rejects claims 14-18 under 35 U.S.C. §103(a) over Gordon, II '823 in view of Gordon, II '856 and further in view of Oh-e and U.S. Patent No. 6,376,828 to Komiski; and rejects claim 9 under 35 U.S.C. §103(a) over Gordon, II '823 in view of Gordon, II '856 and further in view of Oh-e and U.S. Patent No. 5,872,654 to Shirochi. These rejections are respectfully traversed for at least the following reasons.

None of the applied references disclose "achromatic regions being configured to transmit a reflected light reflected by one kind of the particles to an outside of the reflective image display medium," as recited in claims 1 (and the corresponding features of claims 16-19).

The Office Action concedes that Gordon, II '823 and Gordon, II '856 do not disclose this feature. However, the Office Action asserts that Oh-e remedies this deficiency in Gordon, II '823 and Gordon, II '856. Specifically, the Office Action asserts that Oh-e's disclosed black matrix 22a and 22b, as shown for example in Fig. 1, corresponds to the recited "achromatic regions." The Office Action further states, as conclusive, that one having ordinary skill in the art would have recognized that the alleged achromatic regions of Oh-e would transmit reflected light reflected by one kind of the particles to an outside of the reflective image medium. These assertions are in error.

Oh-e's disclosed black matrix 22a and 22b cannot reasonably be considered to correspond to "achromatic regions" configured in the manner recited in claims 1 and 16-19. Oh-e teaches black matrix 22a and 22b surrounding a plurality of regions having color filters 23. Oh-e further discloses that the black matrix 22a and 22b is formed of an insulator having a specific resistivity for preventing the generation of cross-talk between electric fields of

neighboring pixels. However, Oh-e provides no indication that black matrix 22a and 22b is somehow configured to transmit a reflected light reflected by one kind of particles, disposed between a display substrate and a back substrate, to an outside of the reflected image display medium. In fact, Oh-e fails to disclose that any particles are disposed within the alleged achromatic regions, as agreed during the personal interview. For this reason alone, black matrix 22a and 22b cannot be considered to be configured to transmit light reflected from any particles so disposed.

Further, Oh-e fails to disclose that black matrix 22a and 22b is formed of a material configured to transmit any light reflected from particles disposed within such region, even if particles had been so disposed.

In the Response to Arguments section, on page 8, the Office Action asserts that the recited "achromatic regions being configured to transmit a reflected light reflected by one kind of the particles to an outside of the reflective image display medium" of claim 1 (and the corresponding features of claims 16-19) is merely an intended use and, thus, not accorded patentable weight. This assertion is incorrect.

The above feature is not an intended use, because this feature directly pertains to the structure of the claimed subject matter. In reaching its conclusion, the Office Action considers this feature in isolation and fails to take into account the interrelation between all of the features positively recited in the independent claims, including the recited "two kinds of particles." The Office Action fails to take into consideration that, for an achromatic region to be configured in the manner recited in the independent claims, such achromatic region must at least have material properties permitting transmission of reflected light from particles disposed within the achromatic region and a specific arrangement of disposed particles within such achromatic regions. Oh-e provides no indication that black matrix 22a and 22b is structured in this manner.

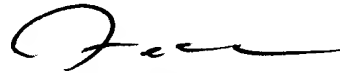
Further, Hou, Komiski and Shirochi fail to remedy this deficiency in Oh-e, Gordon, II '823 and Gordon, II '856.

For at least the above reasons, the applied references do not disclose, and would not have suggested, the combinations of all the features recited in independent claims 1 and 16-19. Further, claims 2-10, 12-15 and 20-29, which variously depend from claims 1 and 19, are also neither taught, nor would they have been suggested, by the applied references for at least the reasons discussed above, as well as for the additional features they recite.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-10 and 12-29 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: April 27, 2009

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